

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICKY BELL,

Plaintiff,

v.

TRANSUNION, LLC,

Defendant.

Case No. 3:17-cv-01019-JPG-SCW

MEMORANDUM & ORDER

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on the plaintiff's motion for voluntary dismissal. (Doc. 21.) The plaintiff does not state under which Federal Rule of Civil Procedure he brings his motion, so the Court construes it under Rule 41(a)(2). That rule provides that only the Court may dismiss an action on terms it considers proper when either (1) an adverse party has filed an answer or motion for summary judgment, or (2) there is no stipulation of dismissal signed by all the parties.

Here, the plaintiff indicates that he believes the defendant is "being truthful" and that there is "no point" in continuing the litigation. And at the hearing in front of Magistrate Judge Williams on December 1, 2017, the defendant indicated that it had no objection to plaintiff's motion to dismiss with each party to bear its own costs. Accordingly, the Court finds plaintiff's motion proper under Rule 41(a)(2) and **DISMISSES** this case. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: DECEMBER 6, 2017

**s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE**